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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,418	11/24/2003	Wesley A. Brush	Brush 113579 cont.	3406

7590
Henry T. Brendzel
P.O. Box 574
Springfield, NJ 07081

12/20/2007

EXAMINER

ADDY, THJUAN KNOWLIN

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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12/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/719,418

Applicant(s)

BRUSH ET AL.

Examiner

Thjuan K. Addy

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTQ-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on September 11, 2007 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-15 are still pending in this application, with claims 1 and 2 being independent.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by lapalucci et al. (US 5,732,130).
4. In regards to claims 1, 2, 10, and 11, lapalucci discloses a method for providing communication service (See col. 2 lines 24-26) comprising the steps of: an intelligent peripheral (See Fig. 9 and intelligent peripheral (IP) 111) receiving an alert message (e.g., message) from a database unit (See Fig. 9 and virtual service switching point (ViSSP) 40), the message specifies a communication protocol parameter; with reference to a database within said intelligent peripheral, establishing a connection between said database unit and said intelligent peripheral to operate in accord with a protocol pointed to by said protocol parameter, communicating information between said database unit and said intelligent peripheral; and communicating information

between a switch (See Fig. 9 and switch 31) and said intelligent peripheral over a bearer connection between them (See col. 8-9 lines 52-12, col. 9 lines 42-53, and col. 10 lines 24-40).

5. In regards to claim 3, lapalucci discloses the method, where said specification of said communication protocol by said database unit takes the form of specifying a parameter of a protocol that uniquely specifies a protocol, and operating parameter of said protocol (See col. 5 lines 40-52 and col. 5 lines 59-67).

6. In regards to claim 4, lapalucci discloses the method, wherein the connection between the intelligent peripheral and the database unit is via a signaling network (See col. 9 lines 1-3).

7. In regards to claim 5, lapalucci discloses the method, where the connection between the database and the switch is over a signaling network (See col. 8 lines 61-64).

8. In regards to claims 6 and 9, lapalucci discloses the method, where said bearer connection is established following the establishment of said connection between the database and the intelligent peripheral (See col. 10 lines 24-40).

9. In regards to claim 7, lapalucci discloses the method, where said bearer connection is established in response to a message send by said switch to said intelligent peripheral (See col. 9 lines 28-47).

10. In regard to claim 8, lapalucci discloses the method, where said message sent by said switch to said intelligent peripheral is following a message sent by said database unit to said switch (See col. 9 lines 28-47).

11. In regards to claim 12, lapalucci discloses the method, further comprising the step of said intelligent peripheral performed said specified service and sending results to appropriate destination (See Abstract).

12. In regards to claim 13, lapalucci discloses the method, where said appropriate destination is said database unit (See Fig. 9 and virtual service switching point (ViSSP) 40).

13. In regards to claim 14, lapalucci discloses the method, where said appropriate destination is said switch (See Fig. 9 and switch 31).

14. In regards to claim 15, lapalucci discloses the method, further comprising the step of said intelligent peripheral performed said specified service and sending results to said database unit via said switch (See col. 10 lines 15-40).

Response to Arguments

15. Applicant's arguments filed 09/11/2007 have been fully considered but they are not persuasive.

16. In regards to claims 1 and 2, Applicants argue that lapalucci has no "alert message" which "specifies a communication protocol parameter." In regards to claims 1 and 2, Applicant's further argue that lapalucci does not teach "establishing a connection between said database unit and said intelligent peripheral to operate in accord with a protocol pointed to by said protocol parameter."

17. In response to Applicants' argument that lapalucci has no alert message which specifies a communication protocol parameter, Examiner respectfully disagrees. The

"alert message" or "message" recited in claims 1 and 2, may simply be a **signal** between an intelligent peripheral and a database unit. For example, there is a signal connection 115 between the ViSSP 40 and the IP 111 (See Fig. 9). The signal connection 115 is used by ViSSP 40 to indicate to the IP 111 that the call requires advance services and to indicate call handling instructions. For example, the call may be a voice call or fax call, which means that there is an indication for either a voice protocol or a data protocol (See col. 8-9 lines 52-12, col. 9 lines 28-53, and col. 10 lines 24-40). Furthermore, an ISUP protocol is used by the ViSSP 40 to setup the call.

18. In response to Applicants' argument that Iapalucci does not teach establishing a connection between said database unit and said intelligent peripheral to operate in accord with a protocol pointed to by said protocol parameter, Examiner respectfully disagrees. Iapalucci, does teach establishing a connection between said database unit and said intelligent peripheral (for example, if it is determined that the call requires the functionality offered by the IP 111, the ViSSP 40 routes the call to the IP 111) to operate in accord with a protocol pointed to by said protocol parameter (See col. 9 lines 42-46).

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

20. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, reading "Thjuan K. Addy". The signature is stylized with a large, flowing "T" and a long, horizontal stroke extending from the end of the name.

Thjuan K. Addy
Patent Examiner
AU 2614